

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31796 of 2018

Arising Out of PS. Case No.-198 Year-2016 Thana- GIRIYAK District- Nalanda

Uday Kumar, S/o Late Raghubir Singh, Resident of Village- Seotar, P.S.- Atri,
District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Bihar State Food Corporation, through its Managing Director, Bir Chand Patel Marg, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anurag Saurav
For the Opposite Party/s	:	Mr. Md. Arif
For the BSFC	:	Mr. Niraj Kumar

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 11-07-2018 Heard learned counsel for the petitioner, learned APP for
the State and learned counsel for the BSFC.

Petitioner apprehends his arrest in Giriyak (Katrisarai)
P.S. case no. 198 of 2016 instituted for the offence under
Section(s) 406, 409, 420/34 of the Indian Penal Code.

As per prosecution case, during the relevant time this
petitioner along with Sailesh Kumar were posted as Purchase
Centre In-charge and Office Assistant respectively and in the
said period 682.9 quintals of paddy was not supplied to the
miller for milling even after repeated direction on account of
which there is loss of 67% CMR which comes to 457.56
quintals amounting to Rs. 11,34,039.92/- and the said amount



has not been deposited to the Government Organization.

It is submitted that total 468.92 quintals of paddy was supplied to the M/s Krishna Rice Mill. The petitioner has annexed the S.I.O. which is the receipt given by aforesaid M/S Krishna Rice Mill as Annexure-3 series. It is further submitted that vide Annexure-4 District Manager sent letter to the aforesaid M/S Krishna Rice Mill for deposit of the said amount against the supply of paddy but the same has not been deposited. It is further submitted that from the Stock Register maintained in the B.S.F.C .for the year 2013-14, it will be apparent that paddy was received by M/S Krishna Rice Mill after due acknowledgment. Copy of Stock Register is annexed as Annexure-5 to the bail petition. It is submitted that M/S Krishna Rice Mill is shifting the responsibility after misappropriating the paddy and to harass the petitioner he has filed complaint case against the petitioner vide Complaint case no. 59 (C) of 2015. It is further submitted that other co accused namely, Shailesh Kumar has already been granted anticipatory bail by this Hon'ble Court vide order dated 28.03.2018 passed in Cr. Misc. no. 10200 of 2018.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event



of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Giriyak (Katrisarai) P.S. case no. 198 of 2016 , he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the CJM Nalanda, Biharsarif, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions:(1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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